IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 12466 of 2000

Between:

Muslim Grave Yard Committee , Ambedkar Nagar , Chintal
Qutubullapur Mandal, Ranga Reddy District, rep by its
Secretary Syed Ismail s/o Syed Qamaruddin
R/o Chintal , Qutubullapur Mandal .

..... PETITIONER

AND

1 The Commissioner, Municipality Qutubullapur ,
Ranga Reddy District.
2 A.P. State WAKF Board rep by Chief Executive Officer.
(2nd respondent is added as per order of the
bench dated 24.07.2000.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order one in the nature of writ of Mandamus declaring the action of respondent regarding the laying road on Muslim Grave Yard at Qutubullapur (V) at R.R District in Sy. No. 94 in plot Nos. 165, 166, 187 and 188 admeasuring the 36 guntas as highly illegal, arbitrary and unconstitutional consequently the respondent may be directed not to occupy the land of grave yard the subject matter of this WP for the purppose of laying road or for allotment for any other purpose unless in accordance with law.

Counsel for the Petitioner:MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondents: MR.A.CHANDRAIH NAIDU

The Court made the following :

ORDER:

The Muslim Grave Yard Committee, Ambedkar Nagar, Chintal, seeks a declaration that the action of the respondent-Qutubullapur Municipality in laying road in Muslim Grave Yard in S.No.94 in plot Nos. 165, 166, 187 and 188 admeasuring Ac.0.36 guntas is illegal and arbitrary, and for a consequential direction to the respondents not to occupy the land of grave yard.

The Commissioner of respondent-Municipality has filed a counter-affidavit stating that the Municipality is not laying any road in the grave yard and that no steps were taken for conducting boomi pooja on 14.07.2000 as alleged by the petitioner. The petitioner has not filed any reply affidavit denying the counter averments.

Therefore, the writ petition must be held as one without any factual basis, and the same is accordingly dismissed.

_____

(V.V.S.RAO, J)

28th September, 2004.

Sh/bnr

To

1. The Commissioner, Municipality Qutubullapur ,
Ranga Reddy District.
2. The Chief Executive Officer, A.P. State WAKF Board.
3. 2 CD copies.